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August 2, 2001

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By Federal Express

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Sierra Vista and Saint David, AZ
MM Docket No. _____
RM- _____

Dear Ms. Salas:

I enclose for filing the original and four (4) copies of the Reply of Arizona Lotus Corp. and McMurray Communications, Inc. to Response of Cochise Broadcasting LLC to Motion to Dismiss Petition to Amend Table of Allotments. All notices and communications to Lotus should be directed to the undersigned. Notices and communications to McMurray should be directed to:

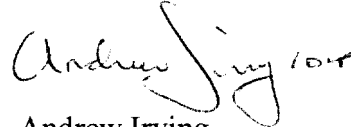
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No. of Certified _____
LLP/LLC/PC

Ms. Magalie Roman Salas, Secretary
August 2, 2001
Page 2

Kindly return the enclosed copy of this letter in the enclosed envelope with proof of receipt.

Very truly yours,


Andrew Irving

Enclosures

cc: Lee J. Peltzman, Esq. (via facsimile)
All Parties on Certificate of Service

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Sierra Vista and Saint David, Arizona))

MM Docket No. _____
RM- _____

To: The Chief, Allocations Branch

REPLY BY ARIZONA LOTUS CORP. AND MCMURRAY COMMUNICATIONS, INC.
TO RESPONSE OF COCHISE BROADCASTING, LLC TO MOTION TO DISMISS
PETITION TO AMEND TABLE OF ALLOTMENTS

Arizona Lotus Corp. ("Lotus") and McMurray Communications, Inc.

("McMurray"), by their undersigned attorneys, hereby reply to the Response to Motion by Arizona Lotus Corp. and McMurray Communications, Inc. (the "Response") filed by Cochise Broadcasting, LLC ("Cochise"). Lotus and McMurray had moved to dismiss Cochise's petition to amend Section 73.202(b), Table of Allotments, to substitute Channel 267C3, St. David, Arizona, for Channel 269A, Sierra Vista, Arizona (the "Cochise Petition"), in contemplation of an application to modify Station KKYZ (FM), Channel 269A, Sierra Vista, to operate on Channel 267C3, St. David. In their Motion to Dismiss, Lotus and McMurray demonstrated that the Cochise Petition is technically defective and conflicts with the suggested addition of Channel 267A at Vail, Arizona in MM Docket No. 00-31 (the "Vail Proceeding") in the event the

Commission is not inclined to add Channel 283A at Vail rather than Channel 272A to resolve a conflict in that proceeding.¹

1. As a preliminary matter, the Response is untimely. The Motion to Dismiss was filed July 6, 2001. Under the Commission's Rules, Cochise's time to respond expired July 19, 2001. The Response is dated July 24, 2001 and was received by Lotus and McMurray's counsel July 27. Accordingly, the Commission should disregard the Response.

2. On the merits, the Response concedes that the Cochise Petition is technically defective. The proper remedy is dismissal. If Cochise or anyone else desires to make a new proposal for Channel 267A at St. Davids, a new petition for rulemaking is necessary, and the proposal would be required to demonstrate the absence of a conflict with the suggested addition of Channel 267A at Vail in the Vail Proceeding.

3. Referring to a concurrent pleading in the Vail Proceeding by Desert West Air Ranchers Corporation ("Desert West"), Cochise appears to argue that Lotus and McMurray's suggestion to add Channel 267A at Vail is itself technically defective. However, the Engineering

¹ Lotus and McMurray's contingent applications to modify Station KCMT (FM), Oro Valley, AZ and KWRQ (FM), Clifton, AZ, respectively, which are incompatible with the addition of Channel 272A at Vail, have been reinstated as reported in Public Notice 25034 (7/25/01).

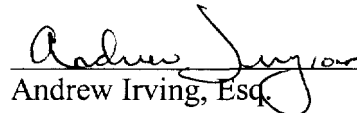
Exhibit annexed hereto demonstrates that channel 267A can be added at Vail, notwithstanding Desert West's attempt to demonstrate to the contrary.

Conclusion

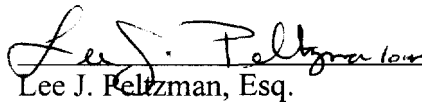
4. The Response is untimely. The suggestion in the Vail Proceeding to add Channel 267A at Vail as an alternative to Channel 272A if Channel 283A is not added at Vail complies with the Commission's Rules. The Petition herein is technically defective and should be dismissed. And any subsequent rulemaking petition must avoid conflict with the suggested addition of Channel 267A at Vail..

Dated: August 2, 2001

Respectfully submitted,



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ENGINEERING STATEMENT IN REPLY TO OPPOSITION TO MOTION TO DISMISS

INTRODUCTION

This statement was prepared on behalf of Arizona Lotus Corp. ("Lotus") and McMurray Communications, Inc. ("McMurray"), jointly ("Lotus/McMurray"). It supplies a response to a technical analysis of the proposed addition of Channels 267A and 283A to Vail, AZ in Docket No. 00-31, submitted on behalf of Desert West Air Ranchers Corporation ("Desert West") dated July 24, 2001, filed in MM Docket No. 00-31 and referred to in the Response to Motion by Lotus and McMurray filed by Cochise Broadcasting, LLC.

The technical analysis prepared by Desert West is flawed in several respects as described below and should not be considered in this proceeding.

PRINCIPAL COMMUNITY COVERAGE

The Desert West technical analysis contains a discussion of Principal Community Contour Coverage of Vail by the proposed addition of Channels 267A and 283A, with reference to the proposed boundaries of a Census Designated Place ("CDP") for the 2000 Census, labeled Vail. The Vail CDP is far removed from the Community of Vail, assuming there is a valid community for the assignment of an FM channel. Vail is an unincorporated area with no legal geographical boundaries. The Vail CDP established by the Census Bureau for the purpose of conducting a census of population does not establish the geographic area over which 70 dBu coverage is required by Section 73.315 of the Commission's Rules. Attached to this statement as Figure 1 is a portion of a detailed topographic map showing a cross roads labeled Vail, AZ. The geographic coordinates of the reference site of Vail taken from the FCC Community Reference Coordinate Page are plotted on the map. Since Vail has no geographical boundaries and only a reference site, the Principal Community Coverage issue for Channels 267A and 283A as described by

Desert West is hardly worth any further discussion. The suggestion that 70 dBu coverage is required over the approximate 44 sq. km of the CDP is ridiculous. Assuming an ERP of 2.5 kW, (which provides protection to the short spaced Mexican Allotment at Agua Prieta on Channel 267) at a conservative HAAT of 50 meters from the designated site the 70 dBu contour will extend approximately 9 kilometers or approximately 5 kilometers beyond the Vail reference location. Since there are no specific community boundaries for Vail, which has only a cross roads reference location, there is no principal community coverage issue with respect to either Channel 267A or 283A. 70 dBu coverage can be provided over Vail from either designated site with facilities that can meet the protection requirements of the vacant Mexican Allotments.

Desert West discusses the principal community coverage issue with respect to the use of Channel 283A at Vail by referring to an Exhibit (6), showing a contour labeled 70 dBu with respect to the Vail CDP. In this case Desert West took the liberty of selecting a potential site several miles removed from the Vail reference coordinates, that were designated by the Commission for the proposed addition, with some assumed height and ERP which were not revealed in the analysis. The exhibit is meaningless in the context of a rule making proceeding with the proposed addition of a FM channel to a community at a designated reference location and should be totally disregarded.

COMPARATIVE CHANNEL ANALYSIS

Desert West's engineering analysis is misleading and does not reflect an accurate comparison between channels 267 and 283. First, Desert West makes use of an arbitrary site without providing any description of the site or justification for the remote location. Next, Desert West renders the conclusion that Channel 267A is inferior to Channel 283A based on this new location, which is 11 kilometers southeast of the community of Vail, AZ.

It is inappropriate to consider any other potential locations for Channels 267 and 283 at this time. The new antenna location introduced by Desert West is a site that should not be considered at the rule making stage. An evaluation of potential antenna locations

at the rule making stage is premature at best since the application stage affords greater flexibility in antenna location under the contour protection provisions in Section 73.215. Therefore, the site coordinates referenced in the Commission's database for channels 267 and 283 are the only appropriate basis for comparison.

While Lotus/McMurray would accept the allotment of either 267A or 283A at Vail, the proposal to add Channel 267A to Vail is in fact superior to the Channel 283A proposal based on international protection limitations. Even though the Channel 267A proposal is short-spaced with two Mexican allotments, Channel 266B Sasabe, SO (10.4 km short) and Channel 267B Agua Prieta, SO (37.1 km short), it does not involve a spacing deficiency as severe as the 32.8 km short-spacing that results on Channel 283A with the lower adjacent channel Mexican Class B allotment at Nogales, SO.

CONCLUSION

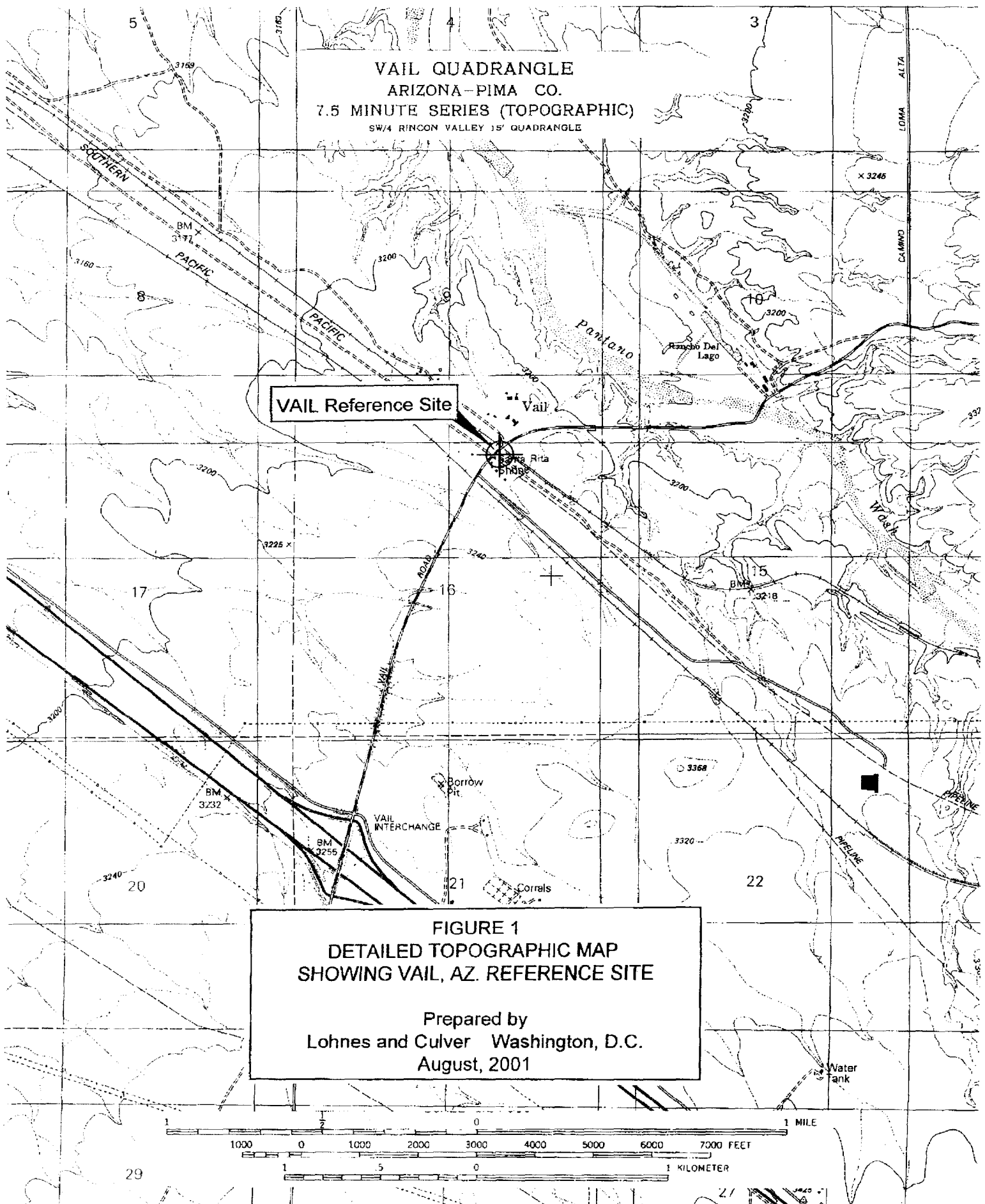
The technical analysis provided by Desert West of the proposed additions of 267A and 283A to Vail, AZ in Docket No. 00-31 is obviously flawed. The principal community coverage issue is a non-issue as described herein. Lotus/McMurray favors the addition of either 267A or 283A to Vail as a substitute for the proposed addition of Channel 272A to Vail. However, Channel 267A is superior to Channel 283A as explained above.

Respectfully submitted,
LOHNES AND CULVER



Frederick D. Veihmeyer

August, 2001



CERTIFICATE OF SERVICE

I, DAWN MARIE PARKES, a secretary in the law offices of Robinson Silverman Pearce Aronsohn & Berman LLP, do hereby certify that on this 2nd day of August, 2001, I have caused to be mailed, via first-class mail, return receipt requested, a copy of the foregoing Reply of Arizona Lotus Corp. and McMurray Communications, Inc. to Response of Cochise Broadcasting LLC to Motion to Dismiss Petition to Amend Table of Allotments to the following:

Ms. Nancy V. Joyner
Mass Media Bureau
Federal Communications Commission
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Washington, D.C. 20554

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Suite 800
Washington, DC 20005-2004
(Counsel for Petitioner Cochise Broadcasting, LLC)

*** Via Federal Express**


DAWN MARIE PARKES